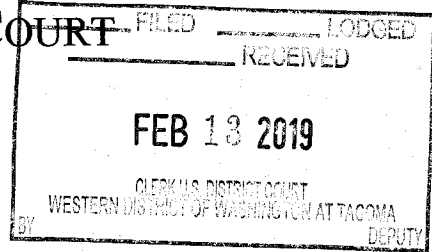


UNITED STATES DISTRICT COURT

for the
Western District of Washington



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
A white 2011 International truck tractor and
SUBJECT DEVICES as further described in
Attachments A1 and A2.

Case No.

MS19-5020-RBL

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachments A1 and A2, attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachments B1 and B2, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21 U.S.C. §§ 841(a) and 846 Distribution of, and Conspiracy to Distribute, Controlled Substances.

The application is based on these facts:

☒ See Affidavit of SA Michelle Hardin-Pineda, Homeland Security Investigations. Attached hereto and incorporated herein.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☐ by reliable electronic means; or: ☐ telephonically recorded.

Applicant's signature

Special Agent Michelle Hardin-Pineda, HSI
Printed name and title

- ☒ The foregoing affidavit was sworn to before me and signed in my presence, or
- ☐ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 2-13-19

Judge's signature

City and state: Tacoma, Washington

Ronald B. Leighton, United States District Judge
Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)

) ss

COUNTY OF PIERCE)

I, MICHELLE HARDIN-PINEDA, being first duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI"), in Seattle, Washington, and have been so employed since February 2006. I am currently assigned to the HSI Field Office in Seattle, Washington. In my current capacity, I investigate federal criminal violations including money laundering, smuggling, drug trafficking, commercial fraud, and intellectual property theft.

2. I have successfully completed the Federal Law Enforcement Training Center ("FLETC") Criminal Investigator Training Program in Brunswick, Georgia. While at FLETC, I completed the Criminal Investigator Training Program and Immigration and Customs Enforcement Special Agent Training. As part of my duties as a Special Agent, I have led and participated in numerous investigations involving smuggling, drug trafficking, commercial fraud, intellectual property theft and money laundering. Additionally, I have been involved in all aspects of criminal investigations including surveillance and undercover operations, and I am authorized to serve and execute search and arrest warrants.

PURPOSE OF AFFIDAVIT

3. This affidavit is submitted in support of an application for search warrants pursuant to Federal Rule of Criminal Procedure 41 to search the vehicle and cellular telephones (hereinafter collectively the "SUBJECT DEVICES"), described below, more particularly described in Attachments A1 and A2, attached hereto and incorporated herein:

1 a. A white 2011 International Prostar tractor truck, with California
2 license plate WP83996 and vehicle identification number (VIN)
3 3HSCTAPR9BN323785 (hereinafter "SUBJECT VEHICLE");

4 b. A black Alcatel Cricket phone (hereinafter "SUBJECT DEVICE
5 #1"), seized from BRIHAN BENITEZ-GONZALEZ at the time of his arrest on
6 November 11, 2018;

7 c. A gold, black, and white Samsung phone in a black Xbox case
8 (hereinafter "SUBJECT DEVICE #2"), seized from BRIHAN BENITEZ-GONZALEZ
9 at the time of his arrest on November 11, 2018; and

10 d. A black Apple iPhone in a black and blue case (hereinafter
11 "SUBJECT DEVICE #3"), seized at the time of the arrest of OSCAR MILLAN on
12 November 11, 2018.

13 4. The applied-for warrant would authorize the search of SUBJECT
14 VEHICLE for the items particularly described in Attachment B1, and SUBJECT
15 DEVICES for the purpose of identifying electronically stored data particularly described
16 in Attachment B2.

17 5. The items to be searched are currently in the lawful possession of
18 Washington State Patrol or Auburn Police Department. SUBJECT VEHICLE was seized
19 on November 11, 2018, at the time of the arrest of OSCAR MILLAN ("MILLAN") and is
20 currently held at a Washington State Patrol storage facility located at 8623 Armstrong Rd.
21 SW, Olympia, Washington. SUBJECT DEVICES were seized on November 11, 2018, at
22 the time of the arrest of BRIHAN BENITEZ-GONZALEZ ("BENITEZ-GONZALEZ")
23 and MILLAN. SUBJECT DEVICES are currently held in evidence by Auburn Police
24 Department, located at 340 E. Main Street Auburn, Washington.

25 6. In my training and experience, I know that SUBJECT DEVICES have been
26 stored in a manner in which their contents are, to the extent material to this investigation,
27 in substantially the same state as they were when the devices first came into the
28 possession of law enforcement.

1 7. The facts set forth in this Affidavit are based on my own personal
2 knowledge; information obtained from other individuals during my participation in this
3 investigation, including other law enforcement officers; review of documents and records
4 related to this investigation; communications with others who have personal knowledge
5 of the events and circumstances described herein; and information gained through my
6 training and experience. Because this Affidavit is submitted for the limited purpose of
7 establishing probable cause in support of the application for the requested search
8 warrants, it does not set forth each and every fact that I or others have learned during the
9 course of this investigation.

10 8. As set forth herein, there is probable cause to believe that a search of
11 SUBJECT VEHICLE and SUBJECT DEVICES will reveal evidence of violations of
12 Title 21, United States Code, Sections 841(a)(1) (distribution of a controlled substance)
13 and 846 (conspiracy to distribute a controlled substance). The items to be seized are
14 described within Attachments B1 and B2, incorporated herein, and comprise evidence,
15 fruits, and instrumentalities of violations of Title 21, United States Code, Sections
16 841(a)(1) (distribution of a controlled substance) and 846 (conspiracy to distribute a
17 controlled substance).

18 **SUMMARY OF PROBABLE CAUSE**

19 9. On or about August 30, 2018, CS-1 advised Homeland Security
20 Investigations (HSI) Special Agent Nathan Clammer that he/she was in contact with a
21 methamphetamine and heroin trafficker believed to be in Mexico who introduced himself
22 to CS-1 as "Jaipo." On August 31, 2018, CS-1 advised that Jaipo had provided CS-1 a
23 phone number for a man in the United States who worked for Jaipo trafficking drugs.
24 CS-1 called the number provided by Jaipo and spoke to an uncharged co-conspirator
25 herein referred to as "J.I." After multiple phone conversations, CS-1 agreed to purchase
26 fourteen pounds of methamphetamine from J.I.

27 10. On September 27, 2018, HSI and DEA agents arrested J.I. as he attempted
28 to deliver fourteen pounds of methamphetamine to CS-2 – a source cooperating with law

1 enforcement who had also been in phone contact with with Jaipo and J.I. Upon arrest, it
2 was determined that J.I. was illegally present in the United States. J.I. has since been
3 deported to Mexico.

4 11. After J.I.'s arrest, Jaipo provided CS-2 contact information for another drug
5 trafficker – "Chema" – who worked with Jaipo. Over the course of several phone calls,
6 Chema advised CS-2 that he could sell CS-2 at least one-hundred pounds of
7 methamphetamine. Chema initially stated that the methamphetamine was in San
8 Bernardino, California, but later agreed to transport and deliver the methamphetamine to
9 CS-2 in Washington State. Chema also agreed to supply CS-2 with multiple kilograms of
10 heroin. After agreeing to sell CS-2 both methamphetamine and heroin, Chema provided
11 CS-2 with contact information for – "Primo" – another member of the drug trafficking
12 organization.

13 12. In early November 2018, CS-2 began discussing with Primo the final
14 details of the methamphetamine and heroin deal. Primo indicated that the individual that
15 would be delivering the drugs in Washington State was named "Brihan."

16 13. On or about November 8, 2018, CS-2 received a phone call from a person
17 who identified himself as "Brihan" – subsequently identified as BENITEZ-GONZALEZ.
18 BENITEZ-GONZALEZ advised CS-2 that he would be travelling to Washington State to
19 conclude the deal with CS-2.

20 14. Shortly after 7:00 p.m., on November 10, 2018, BENITEZ-GONZALEZ
21 arrived at Seattle-Tacoma International airport ("Sea-Tac"). CS-2 picked up BENITEZ-
22 GONZALEZ at SeaTac and took him to a Ramada Hotel near the airport. BENITEZ-
23 GONZALEZ told CS-2 that the drugs were in Washington State and that he would be
24 ready to conduct the transaction the following day.

25 15. On November 11, 2018, investigators met with CS-1 and CS-2 in Federal
26 Way, Washington. CS-1 advised SA Clammer that he had spoken to BENITEZ-
27 GONZALEZ on the morning of November 11, 2018, and BENITEZ-GONZALEZ told
28 CS-1 that the drugs were hidden in a vehicle loaded on a car carrier that was being pulled

1 by a white tractor truck. CS-1 advised that BENITEZ-GONZALEZ was with the tractor-
2 trailer and that it was parked at a Walmart in Chehalis, Washington.

3 16. SA Clammer then made contact with Detective Adam Haggerty, a Task
4 Force Officer with DEA, and requested that surveillance be established on the tractor-
5 trailer described by CS-1. Early in the afternoon of November 11, 2018, law
6 enforcement officers with the Joint Narcotics Enforcement Team established surveillance
7 on a white 2011 International Prostar tractor truck, *i.e.*, SUBJECT VEHICLE, at Walmart
8 in Chehalis, Washington. Attached to SUBJECT VEHICLE was a car carrier with one
9 vehicle loaded on the car carrier. During surveillance, JNET officers observed three
10 males in and around SUBJECT VEHICLE.

11 17. SA Clammer then directed CS-1 and CS-2 to meet with BENITEZ-
12 GONZALEZ and the other two suspects – subsequently identified as MILLAN and D.S.
13 Prior to being released to meet with the targets of the investigation, CS-1, CS-2, and their
14 vehicle were searched for contraband. No contraband was found on either CS-1 or CS-2,
15 or in their vehicle.

16 18. At approximately 4:30 p.m., CS-1 and CS-2 met with BENITEZ-
17 GONZALEZ, MILLAN, and D.S. in the Walmart parking lot in Chehalis, Washington.
18 Upon arrival, CS-1 asked BENITEZ-GONZALEZ to take the car off the car carrier so
19 that CS-1 could look at the drugs. MILLAN told CS-1 that they had been sitting at
20 Walmart too long and that he was not comfortable doing it there. The parties agreed that
21 the car could be taken off the car carrier at another location. CS-1 then provided the
22 address of the secondary location to MILLAN.

23 19. MILLAN and D.S. then reentered SUBJECT VEHICLE and departed the
24 Walmart parking lot – they were followed by CS-1, CS-2, and BENITEZ-GONZALEZ in
25 CS-1's vehicle. Law enforcement maintained visual surveillance on both vehicles as they
26 departed the area of the Walmart parking lot.

27 20. As they were driving, CS-1 asked BENITEZ-GONZALEZ where the drugs
28 were concealed. BENITEZ-GONZALEZ said that some of the drugs were in the trunk

1 and the rest were hidden in the doors. CS-1 asked if he/she would need tools, as CS-1
2 explained that he/she did not have any tools with him/her. BENITEZ-GONZALEZ said
3 that at most CS-1 would need a couple of screwdrivers.

4 21. When the vehicles arrived at the 1200 block of Alder Street in Centralia,
5 Washington, SUBJECT VEHICLE pulled to the shoulder of the road. The vehicle with
6 CS-1, CS-2, and BENITEZ-GONZALEZ parked on an adjacent street approximately
7 seventy-five feet from SUBJECT VEHICLE. Law enforcement then observed MILLAN
8 and D.S. get out of SUBJECT VEHICLE. Once out of SUBJECT VEHICLE, agents
9 observed MILLAN and D.S. unfasten the tie downs from the vehicle on the car carrier – a
10 silver blue Toyota Prius. Law enforcement then observed D.S. drive the Prius off the car
11 carrier attached to SUBJECT VEHICLE.

12 22. Once the car was unloaded, CS-1 opened the trunk and lifted the partition
13 that covered the spare tire compartment. CS-1 then observed a large number of
14 individually wrapped packages of suspected methamphetamine.

15 23. CS-1 asked MILLAN where the rest of the drugs were. MILLAN
16 responded that the rest was in the doors. CS-1 then asked MILLAN if CS-1 would need
17 any tools to access the additional drugs in the doors. MILLAN told CS-1 that he/she
18 might need a couple of screwdrivers.

19 24. CS-1 then got into the car containing the drugs and prepared to drive away.
20 Before CS-1 departed the area, MILLAN returned to the load vehicle and dropped two
21 screwdrivers onto the right side front passenger seat of the car. As CS-1 drove away,
22 agents moved in and arrested BENITEZ-GONZALEZ and MILLAN.

23 25. At the time of the arrest of BENITEZ-GONZALEZ, SUBJECT DEVICE
24 #1 and SUBJECT DEVICE #2 were seized from his person. After being advised of his
25 *Miranda* rights, BENITEZ-GONZALEZ made a statement disavowing any knowledge of
26 the transaction or what was hidden in the Prius that had been offloaded from the car
27 carrier attached to SUBJECT VEHICLE by MILLAN and D.S.
28

1 26. At the time of the arrest of MILLAN, SUBJECT DEVICE #3 was seized
2 from the dashboard of SUBJECT VEHICLE. After being advised of his *Miranda* rights,
3 MILLAN declined to make a post-arrest statement.

4 27. At approximately 5:54 p.m., on November 11, 2018, Detective Haggerty
5 obtained a State of Washington Search Warrant for the silver blue Prius that had been
6 offloaded from the car carrier by D.S. When law enforcement executed this warrant, they
7 located one-hundred twenty-one pound-size packages of methamphetamine and five
8 kilogram-size packages of heroin. The heroin and methamphetamine were subsequently
9 field-tested, with each suspected drug testing presumptively positive for heroin or
10 methamphetamine.

11 28. The drugs were all found in the trunk and in the doors of the Prius – just as
12 BENITEZ-GONZALEZ and MILLAN had told CS-1 that they would be. Furthermore,
13 the only tools that were needed to access the drugs hidden in the door panels were the
14 screwdrivers that had been provided by MILLAN to CS-1 as he/she drove away in the
15 vehicle containing the drugs.

16 **Cooperating Source Reliability and Background**

17 29. The reliability of CS-1 is based on the fact that he/she has assisted HSI with
18 several investigations in the past. I am not aware of any false information provided by
19 CS-1 during previous investigations. CS-1 shows a working knowledge of the drug
20 trade, and has been arrested and convicted for one felony drug crime. In return for
21 cooperating with law enforcement, CS-1 receives monetary compensation and
22 immigration benefits that allow him/her to remain in the U.S. lawfully.

23 30. The reliability of CS-2 is based on the fact that he/she has assisted HSI with
24 several investigations in the past. I am not aware of any false information provided by
25 CS-2 during previous investigations. However, I am aware that on at least one occasion,
26 CS-2 did not follow procedures regarding the proper handling of a controlled substance
27 received from a target of investigation. CS-2 shows a working knowledge of the drug
28 trade and has been convicted of multiple felony drug crimes. CS-2 also has a conviction

1 for Re-entry After Deportation and a supervised release violation related to that charge.
2 Finally, CS-2 has been arrested for DUI, Possession of a Firearm, and Driving Without a
3 License. CS-2 receives monetary compensation and immigration benefits that allow
4 him/her to remain in the U.S. lawfully.

5 **DIGITAL DEVICES AS INSTRUMENTALITIES OF THE CRIMES**

6 31. Based upon my training and experience, and conversations with, and
7 training from, other officers and agents involved in narcotics investigations, I know the
8 following about drug traffickers and their use of cell phones.

9 32. Traffickers of controlled substances commonly maintain records reflecting
10 names or nicknames, addresses, vehicles, and/or telephone numbers of their suppliers,
11 customers and associates in the trafficking organization. Traffickers commonly maintain
12 this information in books or papers as well as in cellular telephones and other electronic
13 devices. Traffickers often maintain cellular telephones for ready access to their clientele
14 and to maintain their ongoing narcotics business. Traffickers frequently change their
15 cellular telephone numbers to avoid detection by law enforcement, and it is common for
16 traffickers to use more than one cellular telephone at any one time.

17 33. Narcotics traffickers sometimes take, or cause to be taken, photographs
18 and/or video recordings of themselves, their associates, their property, and their illegal
19 product. Given the widespread use of digital cameras, and the fact that virtually all smart
20 phones have a built-in digital camera, I know that digital photos and/or video recordings
21 are likely to be found on SUBJECT DEVICES.

22 34. Drug dealers use cellular telephones as a tool or instrumentality in
23 committing their criminal activity. They use them to maintain contact with their
24 suppliers, distributors, and customers. They prefer cellular telephones because, first, they
25 can be purchased without the location and personal information that land lines require.
26 Second, they can be easily carried to permit the user maximum flexibility in meeting
27 associates, avoiding police surveillance, and traveling to obtain or distribute drugs.
28 Third, they can be passed between members of a drug conspiracy to allow substitution

1 when one member leaves the area temporarily. Since cellular phone use became
2 widespread, every drug dealer I have contacted has used one or more cellular telephones
3 for his or her drug business. I also know that it is common for drug traffickers to retain in
4 their possession phones that they previously used, but have discontinued actively using,
5 for their drug trafficking business. Based on my training and experience, the data
6 maintained in a cellular telephone used by a drug dealer is evidence of a crime or crimes.
7 This includes the following:

8 35. The assigned number to the cellular telephone (known as the mobile
9 directory number or MDN), and the identifying telephone serial number (Electronic
10 Serial Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile
11 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are
12 important evidence because they reveal the service provider, allow us to obtain subscriber
13 information, and uniquely identify the telephone. This information can be used to obtain
14 toll records, to identify contacts by this telephone with other cellular telephones used by
15 co-conspirators, to identify other telephones used by the same subscriber or purchased as
16 part of a package, and to confirm if the telephone was contacted by a cooperating source.

17 36. The stored list of recent received, missed, and sent calls is important
18 evidence. It identifies telephones recently in contact with the telephone user. This is
19 valuable information in a drug investigation because it will identify telephones used by
20 other members of the organization, such as suppliers, distributors and customers, and it
21 confirms the date and time of contacts. If the user is under surveillance, it identifies what
22 number he called during or around the time of a drug transaction or surveilled meeting.
23 Even if a contact involves a telephone user not part of the conspiracy, the information is
24 helpful (and thus is evidence) because it leads to friends and associates of the user who
25 can identify the user, help locate the user, and provide information about the user.
26 Identifying a defendant's law-abiding friends is often just as useful as identifying his
27 drug-trafficking associates.

1 37. Stored text messages are important evidence, similar to stored numbers.
2 Agents can identify both drug associates, and friends of the user who likely have helpful
3 information about the user, his location, and his activities.

4 38. Photographs on a cellular telephone are evidence because they help identify
5 the user, either through his or her own picture, or through pictures of friends, family, and
6 associates that can identify the user. Pictures also identify associates likely to be
7 members of the drug trafficking organization. Also, digital photos often have embedded
8 "geocode" or GPS information embedded in them. Geocode information is typically the
9 longitude and latitude where the photo was taken. Showing where the photo was taken
10 can have evidentiary value. This location information is helpful because, for example, it
11 can show where coconspirators meet, where they travel, and where assets might be
12 located.

13 39. Stored address records are important evidence because they show the user's
14 close associates and family members, and they contain names and nicknames connected
15 to phone numbers that can be used to identify suspects.

16 **ADDITIONAL TRAINING AND EXPERIENCE OF THE AFFIANT**

17 40. I know from training and experience that drug dealers often keep records of
18 drug sales and transactions at their residences, within their vehicles and within their
19 "stash locations" (*i.e.*, a storage unit or residence owned or rented in the name of a third
20 party). These records are kept so that the drug dealers can keep track of the money owed
21 to them for the amount of drugs being sold. I know persons involved in the trafficking of
22 illicit drugs often keep large amounts of cash either on hand, on their person, within their
23 residence or within their vehicle or stash location. The selling of illicit drugs is a cash
24 business, and I know, from training and experience, that persons involved in this business
25 need cash to re-supply themselves with product, and that they oftentimes avoid the
26 traditional money holding facilities in an attempt to avoid detection by law enforcement.
27 I also know that drug dealers often convert cash proceeds into valuable items such as
28 precious metals and gems such as gold, silver, diamonds, Rolex watches, necklaces, *etc.*

1 41. I know from my training and experience that drug dealers need to
2 continually resupply themselves so as to always have an amount of product on hand to
3 supply the demand of their customers and to support themselves and their illegal
4 business. I know that drug dealing is a business in which a dealer typically buys a larger
5 amount of drugs and then breaks those larger amounts down into smaller amounts that
6 they can sell to different customers. Drug dealing is also based on selling a particular
7 quantity of drugs for a specific amount of money, which is usually paid in cash.
8 Accordingly, I know that drug dealers will regularly keep scales and packaging material
9 (plastic sandwich bags, plastic wrap, Tupperware containers, glass vials, heat or vacuum
10 sealers, *etc.*) on hand so they can weigh out and repackage their drugs for sale. I also
11 know that even when a dealer is temporarily out of drugs they will often still possess
12 scales and packaging materials so they can use them when they are resupplied, and that
13 dealers typically keep these items for long periods of time.

14 42. I know that from my training and experience that drug traffickers utilize
15 interstate and international travel to further the goals of their operation such as to
16 resupply themselves with narcotics to sell, to engage in financial transactions, and to
17 launder proceeds. Drug traffickers often maintain records of their travel in the form of
18 airline tickets, notes and travel itineraries; airline schedules; bills; charge card receipts;
19 hotel, motel, and car rental statements; correspondence with travel agencies and other
20 travel-related businesses; airline, rent-a-car, and hotel frequent flier or user cards and
21 statements; passports and visas; telephone bills; photographs of foreign locations; and
22 papers relating to domestic and international travel.

23 43. I know from my training and experience that drug dealers often use
24 vehicles in furtherance of their illegal activities, both to help them facilitate their drug
25 sales but also as a place to store their drugs. Furthermore, I know that drug dealers
26 switch the vehicles they use frequently in order to thwart the efforts of law enforcement
27 in detecting them.
28

1 44. I also know that people involved in the possession and distribution of
2 controlled substances often maintain in their residences, and sometimes at stash locations,
3 vehicles and storage units, indicia of occupancy and ownership, including, but not limited
4 to records that establish the person(s) who have control, possession, custody or dominion
5 over the property from which evidence is seized, such as: personal mail, checkbooks,
6 personal identification, notes, other correspondence, utility bills, rent receipts, payment
7 receipts, financial documents, keys, photographs (developed, undeveloped, or digital),
8 leases and mortgage bills. Such records are evidence that a particular person is residing
9 at a residence and associated with what is found inside the residence.

10 45. Drug traffickers amass large proceeds from the illegal sale of controlled
11 substances that they attempt to hide and/or legitimize. To hide and legitimize these
12 proceeds, drug traffickers utilize financial institutions and their attendant services, money
13 orders, wire transfers, securities, cashier's checks, safe deposit boxes and keys, checks,
14 money drafts, real estate, shell operations, and business fronts. Persons involved in drug
15 trafficking and/or money laundering keep papers relating to these activities for future
16 reference, including Federal and State tax records, loan records, mortgages, deeds, titles,
17 certificates of ownership, records regarding investments and securities, safe deposit box
18 rental records and keys, wire transfer and money order records, and photographs.

19 46. Furthermore, I know individuals involved in the trafficking and distribution
20 of controlled substances will often hide their drug evidence in sheds, outbuildings,
21 vehicles, safes, hidden compartments, and inner walls of residences, and other containers
22 within the curtilage to avoid detection by law enforcement officials and to protect those
23 items from others, as drug dealing is an illicit cash business which makes the dealer a
24 target of robberies.

25 47. I also know that persons who illegally possess and distribute controlled
26 substances often possess firearms and ammunition to protect themselves, their drugs and
27 their drug proceeds from others. As noted above, drug dealing is a cash business which
28 makes the dealer a target of robberies, and dealers often maintain firearms and

1 ammunition to protect their drugs and cash. I also know that drug dealers will often need
2 or use firearms to help them intimidate potential rivals and to aid in the collection of drug
3 debts. Therefore, I know that firearms and ammunition, knives and other weapons are
4 often found at the location of narcotic search warrants and on persons involved in drug
5 dealing and trafficking.

6 48. I know that firearms are a valuable commodity and are kept for long
7 periods of time. I know from training and experience that it is common practice among
8 persons who illegally possess firearms for them to secrete the firearms and firearms
9 accessories upon their person, upon the persons of co-conspirators, within their vehicles,
10 vehicles of co-conspirators, within their residence, and within the boundaries of the
11 curtilage of their residences.

12 49. Evidence of illegal trafficking of controlled substances and money
13 laundering, such as the items described above, is likely to be found where the dealers live
14 even if the distribution or transaction did not occur at the residence. Moreover,
15 individuals involved in large, long-term drug trafficking organizations typically maintain
16 such evidence for an extended period of time.

17 TECHNICAL TERMS

18 50. Based on my training and experience, I use the following technical terms to
19 convey the following meanings:

20 a. Wireless telephone: A wireless telephone (or mobile telephone, or
21 cellular telephone) is a handheld wireless device used for voice and data communication
22 through radio signals. These telephones send signals through networks of
23 transmitter/receivers, enabling communication with other wireless telephones or
24 traditional "land line" telephones. A wireless telephone usually contains a "call log,"
25 which records the telephone number, date, and time of calls made to and from the phone.
26 In addition to enabling voice communications, wireless telephones offer a broad range of
27 capabilities. These capabilities include: storing names and phone numbers in electronic
28 "address books;" sending, receiving, and storing text messages and e-mail; taking,
sending, receiving, and storing still photographs and moving video; storing and playing
back audio files; storing dates, appointments, and other information on personal
calendars; and accessing and downloading information from the Internet. Wireless

1 | telephones may also include global positioning system ("GPS") technology for
2 | determining the location of the device.

3 | b. Digital camera: A digital camera is a camera that records pictures as
4 | digital picture files, rather than by using photographic film. Digital cameras use a variety
5 | of fixed and removable storage media to store their recorded images. Images can usually
6 | be retrieved by connecting the camera to a computer or by connecting the removable
7 | storage medium to a separate reader. Removable storage media include various types of
8 | flash memory cards or miniature hard drives. Most digital cameras also include a screen
9 | for viewing the stored images. This storage media can contain any digital data, including
10 | data unrelated to photographs or videos.

11 | c. GPS: A GPS navigation device uses the Global Positioning System
12 | to display its current location. It often contains records of the locations where it has been.
13 | Some GPS navigation devices can give a user driving or walking directions to another
14 | location. These devices can contain records of the addresses or locations involved in
15 | such navigation. The Global Positioning System (generally abbreviated "GPS") consists
16 | of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely
17 | accurate clock. Each satellite repeatedly transmits by radio a mathematical representation
18 | of the current time, combined with a special sequence of numbers. These signals are sent
19 | by radio, using specifications that are publicly available. A GPS antenna on Earth can
20 | receive those signals. When a GPS antenna receives signals from at least four satellites, a
21 | computer connected to that antenna can mathematically calculate the antenna's latitude,
22 | longitude, and sometimes altitude with a high level of precision.

23 | d. Internet: The Internet is a global network of computers and other
24 | electronic devices that communicate with each other. Due to the structure of the Internet,
25 | connections between devices on the Internet often cross state and international borders,
26 | even when the devices communicating with each other are in the same state.

27 | 51. Based on my training, experience, and research and from consulting the
28 | manufacturers' advertisements and product technical specifications available online, I
29 | know that SUBJECT DEVICES have the capability that allow them to serve as a wireless
30 | telephone, digital camera, and/or GPS navigation device. In my training and experience,
31 | examining data stored on devices such as SUBJECT DEVICES can uncover, among
32 | other things, evidence that reveals or suggests who possessed or used the device.

33 | **ELECTRONIC STORAGE AND FORENSIC ANALYSIS**

34 | 52. Based on my knowledge, training, and experience, I know that digital
35 | devices and electronic storage media can store information for long periods of time.

1 Similarly, things that have been viewed via the Internet are typically stored for some
2 period of time on the device used to access the Internet. This information can sometimes
3 be recovered with forensic tools.

4 53. *Forensic evidence.* As further described in Attachments B1 and B2, this
5 application seeks permission to locate not only electronically stored information that
6 might serve as direct evidence of the crimes described on the warrant, but also forensic
7 evidence that establishes how the SUBJECT DEVICES were used, the purpose of its use,
8 who used it, and when. There is probable cause to believe that this forensic electronic
9 evidence might be on the SUBJECT DEVICES because:

10 a. Data on the storage medium can provide evidence of a file that was
11 once on the storage medium but has since been deleted or edited, or of a deleted portion
12 of a file (such as a paragraph that has been deleted from a word processing file).

13 b. As explained herein, information stored within a computer and other
14 electronic storage media may provide crucial evidence of the “who, what, why, when,
15 where, and how” of the criminal conduct under investigation, thus enabling the United
16 States to establish and prove each element or alternatively, to exclude the innocent from
17 further suspicion. In my training and experience, information stored within a computer
18 or storage media (e.g., registry information, communications, images and movies,
19 transactional information, records of session times and durations, internet history, and
20 anti-virus, spyware, and malware detection programs) can indicate who has used or
21 controlled the computer or storage media. This “user attribution” evidence is analogous
22 to the search for “indicia of occupancy” while executing a search warrant at a residence.
23 The existence or absence of anti-virus, spyware, and malware detection programs may
24 indicate whether the computer was remotely accessed, thus inculcating or exculpating the
25 computer owner and/or others with direct physical access to the computer. Further,
26 computer and storage media activity can indicate how and when the computer or storage
27 media was accessed or used. For example, as described herein, computers typically
28 contain information that log: computer user account session times and durations,
computer activity associated with user accounts, electronic storage media that connected
with the computer, and the IP addresses through which the computer accessed networks
and the internet. Such information allows investigators to understand the chronological
context of computer or electronic storage media access, use, and events relating to the
crime under investigation. Additionally, some information stored within a computer or
electronic storage media may provide crucial evidence relating to the physical location of
other evidence and the suspect. For example, images stored on a computer may both
show a particular location and have geolocation information incorporated into its file

1 data. Such file data typically also contains information indicating when the file or image
 2 was created. The existence of such image files, along with external device connection
 3 logs, may also indicate the presence of additional electronic storage media (e.g., a digital
 4 camera or cellular phone with an incorporated camera). The geographic and timeline
 5 information described herein may either inculcate or exculpate the computer user. Last,
 6 information stored within a computer may provide relevant insight into the computer
 7 user's state of mind as it relates to the offense under investigation. For example,
 8 information within the computer may indicate the owner's motive and intent to commit a
 9 crime (e.g., internet searches indicating criminal planning), or consciousness of guilt
 10 (e.g., running a "wiping" program to destroy evidence on the computer or password
 11 protecting/encrypting such evidence in an effort to conceal it from law enforcement).

12 c. A person with appropriate familiarity with how an electronic device
 13 works may, after examining this forensic evidence in its proper context, be able to draw
 14 conclusions about how electronic devices were used, the purpose of their use, who used
 15 them, and when.

16 d. The process of identifying the exact electronically stored
 17 information on a storage medium that are necessary to draw an accurate conclusion is a
 18 dynamic process. Electronic evidence is not always data that can be merely reviewed by
 19 a review team and passed along to investigators. Whether data stored on a computer is
 20 evidence may depend on other information stored on the computer and the application of
 21 knowledge about how a computer behaves. Therefore, contextual information necessary
 22 to understand other evidence also falls within the scope of the warrant.

23 e. Further, in finding evidence of how a device was used, the purpose
 24 of its use, who used it, and when, sometimes it is necessary to establish that a particular
 25 thing is not present on a storage medium.

26 54. *Manner of execution.* Because this warrant seeks only permission to
 27 examine a device already in law enforcement's possession, the execution of this warrant
 28 does not involve the physical intrusion onto a premises. Consequently, I submit there is
 reasonable cause for the Court to authorize execution of the warrant at any time in the
 day or night.

SEARCH AND/OR SEIZURE OF DIGITAL DEVICES

55. Based on the foregoing, and consistent with Rule 41(e)(2)(B) of the Federal
 Rules of Criminal Procedure, the warrant I am applying for will permit imaging or

1 otherwise copying all data contained on SUBJECT DEVICES, and will specifically
2 authorize a review of the media or information consistent with the warrant.

3 56. In accordance with the information in this affidavit, law enforcement
4 personnel will execute the search of any computer or storage medium seized pursuant to
5 this warrant as follows:

6 a. **Securing the Data**

7 i. In order to examine the ESI in a forensically sound manner,
8 law enforcement personnel with appropriate expertise will attempt to produce a complete
9 forensic image, if possible and appropriate, of the SUBJECT DEVICES.¹

10 ii. Law enforcement will only create an image of data physically
11 present on or within the SUBJECT DEVICES. Creating an image of the SUBJECT
12 DEVICES will not result in access to any data physically located elsewhere. However,
13 SUBJECT DEVICES that have previously connected to devices at other locations may
14 contain data from those other locations.


15 b. **Searching the Forensic Images**

16 i. Searching the forensic images for the items described in
17 Attachments B1 and B2 may require a range of data analysis techniques. In some cases,
18 it is possible for agents and analysts to conduct carefully targeted searches that can locate
19 evidence without requiring a time-consuming manual search through unrelated materials
20 that may be commingled with criminal evidence. In other cases, however, such
21 techniques may not yield the evidence described in the warrant, and law enforcement
22 may need to conduct more extensive searches to locate evidence that falls within the
23 scope of the warrant. The search techniques that will be used will be only those
24 methodologies, techniques and protocols as may reasonably be expected to find, identify,
25 segregate and/or duplicate the items authorized to be seized pursuant to Attachments B1
26 and B2 to this affidavit.

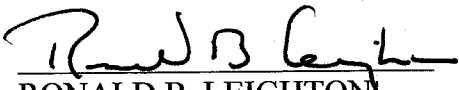
27 ¹ The purpose of using specially trained computer forensic examiners to conduct the imaging of
28 digital devices or other electronic storage media is to ensure the integrity of the evidence and to
follow proper, forensically sound, scientific procedures. When the investigative agent is a
trained computer forensic examiner, it is not always necessary to separate these duties.
Computer forensic examiners often work closely with investigative personnel to assist
investigators in their search for digital evidence. Computer forensic examiners are needed
because they generally have technological expertise that investigative agents do not possess.
Computer forensic examiners, however, often lack the factual and investigative expertise that an
investigative agent may possess on any given case. Therefore, it is often important that
computer forensic examiners and investigative personnel work closely together.

CONCLUSION

57. Based upon the evidence gathered in this investigation and set out above, including but not limited to my review of data and records, information received from other federal agents, and my training and experience, there is probable cause to believe that evidence, fruits and/or instrumentalities of the crime of Title 21, United States Code, Sections 841(a)(1) (distribution of a controlled substance) and 846 (conspiracy to distribute a controlled substance), as described in Attachments B1 and B2 to this affidavit incorporated herein by reference, will be located during the search of SUBJECT VEHICLE and SUBJECT DEVICES further described in Attachments A1 and A2 to this affidavit, incorporated herein by reference. I therefore request the Court to issue the requested warrants.


MICHELLE HARDIN-PINEDA
Special Agent, HSI

Subscribed and sworn to before me this 13th day of February, 2019.


RONALD B. LEIGHTON
United States District Judge

ATTACHMENT A1

Item to be Searched

A white 2011 International Prostar tractor truck, with California license plate WP83996 and vehicle identification number (VIN) 3HSCTAPR9BN323785, registered to Mulliner Enterprises, Inc., 932 Hibiscus Street, Montebello, California 90640 ("SUBJECT VEHICLE"); currently held at a Washington State Patrol storage facility located at 8623 Armstrong Rd. SW, Olympia, Washington.



ATTACHMENT B1

Items to be Seized

The following items, records, and information, that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Sections 841(a)(1) (distribution of a controlled substance) and 846 (conspiracy to distribute a controlled substance):

1. Controlled substances, including but not limited to: methamphetamine, cocaine, crack cocaine, heroin, fentanyl, hashish, marijuana, MDMA, Oxycodone, and OxyContin;

2. Monetary instruments, including but not limited to, currency, money orders, bank checks, gift cards, or similar monetary instruments, in excess of \$500;

3. Bank account information including bank statements, deposit tickets, canceled checks, Certificates of Deposit, safe deposit box rental agreement and entrance log, credit card statements and financial statements for domestic and foreign bank accounts, copies of money orders and cashier's checks, and records reflecting domestic and/or international wire transfers;

4. Narcotic-related paraphernalia;

5. Documentary evidence relating to the purchase, sale, and/or distribution of controlled substances;

6. Notes, letters, and other items which relate to shipments of controlled substances;

7. Documents and other items tending to show the existence of other stored drugs as follows: rental agreements, receipts, keys, notes, and maps specifically concerning off-site storage rooms and lockers;

8. Address books, daily logs, daily telephone diaries, calendars, and appointment books;

9. Digital computing devices, *e.g.*, tower and laptop computers; digital storage devices, *e.g.*, external hard drives and USB thumb drives; and optical and magnetic storage media, *e.g.*, Blue Ray discs, DVDs, and CDs;

10. Weapons to include rifles, shotguns, knives, and handguns, as well as ammunition, shell casings, bullets, magazines, cleaning equipment, holsters, gun boxes

1 and cases, trigger locks, gun safes, gun parts and tools, targets, receipts, and bills of sale;

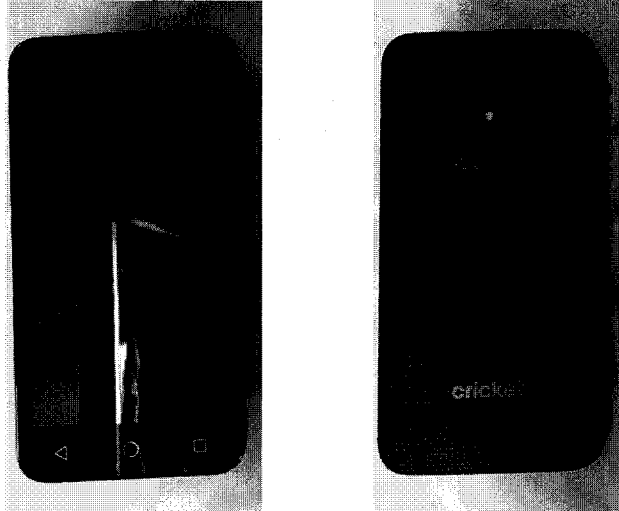
2 11. Cellular telephones and other communication devices including Blackberry,
3 Android, Galaxy, iPhone, iPad, and similar devices, may be seized and searched for the
4 following records and information:

- 5 a. Assigned number and identifying telephone serial number (ESN,
6 MIN, IMSI, or IMEI);
- 7 b. Stored list of recent received, sent, or missed calls;
- 8 c. Stored contact information;
- 9 d. Stored photographs and videos of narcotics; stored photographs and
10 videos which relate to customers and their identifying information; stored photographs
11 and videos which relate to the sources, amounts, types, payments for, and prices of drugs
12 trafficked; and stored photographs or videos that show the user of the phone and/or
13 suspected co-conspirators;
- 14 e. Stored text messages related to the aforementioned crimes of
15 investigation, including Apple iMessages, Blackberry Messenger messages or other
16 similar messaging services or applications where the data is stored on the telephone; and
- 17 f. Evidence of user attribution showing who used or owned the digital
18 device at the time of the things described in this warrant were created, edited, or deleted,
19 such as logs, phonebooks, saved usernames and passwords, documents, and browsing
20 history.

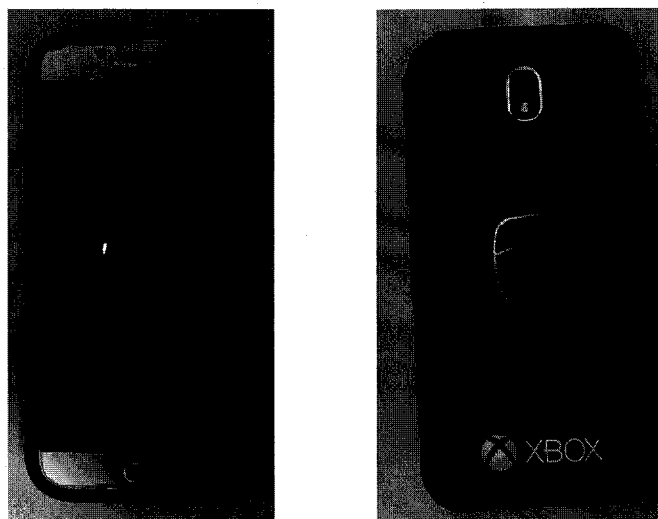
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As used above, the terms "records" and "information" include all of the foregoing
items of evidence in whatever form and by whatever means they may have been created
or stored, including any form of computer or electronic storage (such as flash memory or
other media that can store data) and any photographic form, including emails,
photographs, text messages, information contained in applications or "apps," and
calendar entries.

ATTACHMENT A2
Items to be Searched

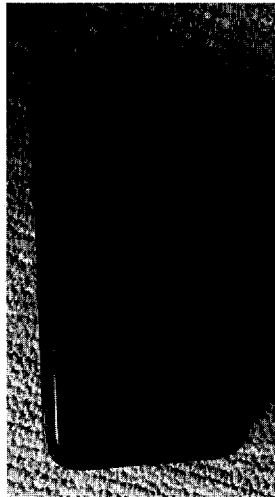
a. A black Alcatel Cricket phone ("SUBJECT DEVICE #1"), seized from BRIHAN BENITEZ-GONZALEZ at the time of his arrest on November 11, 2018; currently in the custody of Auburn Police Department at 340 E. Main Street Auburn, Washington;



b. A gold, black, and white Samsung phone in a black Xbox case ("SUBJECT DEVICE #2") seized from BRIHAN BENITEZ-GONZALEZ at the time of his arrest on November 11, 2018; currently in the custody of Auburn Police Department at 340 E. Main Street Auburn, Washington; and



1 c. A black Apple iPhone in a black and blue case ("SUBJECT DEVICE
2 #3"), seized at the time of the arrest of OSCAR MILLAN on November 11, 2018;
3 currently in the custody of Auburn Police Department at 340 E. Main Street Auburn,
4 Washington.



14 This warrant authorizes the forensic examination of the SUBJECT DEVICES for the
15 purpose of identifying the electronically stored information described in Attachment B2.

ATTACHMENT B2**Items to be Seized**

The following records and information that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Sections 841(a)(1) (distribution of a controlled substance) and 846 (conspiracy to distribute a controlled substance):

- a. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
- b. Stored list of recent received, sent, or missed calls;
- c. Stored contact information;
- d. Stored photographs and videos of narcotics; stored photographs and videos which relate to customers and their identifying information; stored photographs and videos which relate to the sources, amounts, types, payments for, and prices of drugs trafficked; and stored photographs or videos that show the user of the phone and/or suspected co-conspirators;
- e. Stored text messages related to the aforementioned crimes of investigation, including Apple iMessages, Blackberry Messenger messages or other similar messaging services or applications where the data is stored on the telephone; and
- f. Evidence of user attribution showing who used or owned the digital device at the time of the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form, including emails, photographs, text messages, information contained in applications or "apps," and calendar entries.